

Application No. 10/069,061 of BLUM et al.
Amendment dated March 1, 2004
Page 5

REMARKS/ARGUMENTS

Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Upon entry of the above amendments, claims 1-14 will be pending. Claim 1 has been amended to include the wavelength range of claim 2. Furthermore, the claims have been amended bearing in mind the Examiner's concerns under 35 U.S.C. 112, second paragraph, as set forth in paragraph 1 of the outstanding Office Action. No new matter has been introduced and it is respectfully submitted that all claims, as amended, are in full compliance with 35 U.S.C. 112.

Regarding the Examiner's objection to the disclosure, it is respectfully submitted that near infrared radiation as intended by Applicants is clearly described in the specification.

Claims 1-2 and 12 stand rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over EP 0,065,147 to Buckley et al. Furthermore, claims 2-11 and 13-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley et al. Finally, claims 7-9 stand rejected under 35 U.S.C. 103(a) as being obvious over Buckley et al. in view of Lienert (DE 19648133). Applicants respectfully traverse these rejections for at least the following reasons.

From the Examiner's comments, it is Applicants understanding that the 102(b) rejection is overcome by including the more specific wavelength range of 500-1400nm in the claims. See paragraph 4 of the outstanding Office Action. Accordingly, it is assumed that the remaining rejections are the obviousness rejections.

The Examiner contends that the selection of a wavelength can be considered "inventive only if it has unexpected effects or properties". See paragraph 5 of the outstanding Office Action. In this regard, Applicants kindly point the Examiner to, e.g., Examples 3 and 4 of the present application and respectfully submit that Buckley et al. is absent any reasonable expectation of the benefits demonstrated by Example 3, which uses radiation with an emission maximum

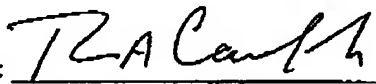
Application No. 10/069,061 of BLUM et al.
Amendment dated March 1, 2004
Page 6

between 750nm-1300nm, in comparison to Example 4 (which uses radiation with an emission maximum of about 7000nm). Accordingly, and further because Lienert does not overcome these shortcomings in Buckley et al., it is respectfully submitted that the obviousness rejections should be withdrawn.

Therefore, all objections and rejections having been addressed and overcome, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,
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